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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 KEYHERRA GREEN ,
13 Plaintiff,
14 vs.

15 LAS VEGAS METROPOLITAN POLICE
DEPARTMENT; FRED MERRICK; LORA
16 CODY; and DOES 1-10, inclusive,
Defendants.

Case No. 2:20-cv-00769-KJD-DJA

**STIPULATION TO EXTEND
DISPOSITIVE MOTION DEADLINE
(First Request)**

17 Las Vegas Metropolitan Police Department, Fred Merrick and Lora Cody (“LVMPD
18 Defendants”), and Plaintiff, Keyherra Green (“Plaintiff”) by and through their respective counsel,
19 hereby stipulate, agree, and request that this Court extend the dispositive motion deadline from the
20 current date of October 6, 2022 for ninety (90) days, until **January 5, 2023** as the Court has not yet
21 ruled on the LVMPD Defendants’ Motion to Dismiss Third Amended Complaint, [ECF No. 78].

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1 **I. DISCOVERY COMPLETED TO DATE**

2 The parties have completed all discovery in this matter and discovery closed on August 4,
3 2022, [ECF No. 87].

4 **II. DISCOVERY YET TO BE COMPLETED**

5 Discovery is complete. The parties are requesting an extension of the current dispositive
6 motion deadline only.

7 **III. REASONS WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

8 The parties are seeking a ninety (90) day extension of the current dispositive motion
9 deadline. The LVMPD Defendants previously filed a Motion for Judgment on the Pleadings.
10 [ECF No. 54]. On March 23, 2022 the Court issued its order on the pending Motion for Judgment
11 on the Pleadings. [ECF No. 73]. The LVMPD Defendants argued that Plaintiff's claims were
12 barred by the statute of limitations and Plaintiff responded that the incorrect analysis was applied;
13 asserting that Plaintiff's Complaint alleged *Deveraux* claims. [ECF Nos. 54 and 56]. The Court
14 dismissed certain claims and allowed others to proceed; allowing Plaintiff to file a Third Amended
15 Complaint to specifically allege her *Deveraux* claims. On April 13, 2022 Plaintiff filed her Third
16 Amended Complaint. [ECF No. 74]. LVMPD filed a Motion to Dismiss which Plaintiff has
17 responded to and LVMPD filed its reply. [ECF Nos. 78, 84 and 85]. The Motion to Dismiss is
18 now fully briefed and pending. The parties would request a ruling on the pending Motion to
19 Dismiss prior to preparing dispositive motions. Indeed, a ruling could be dispositive of claims
20 raised in the Third Amended Complaint and/or Plaintiff could be given further leave to amend her
21 complaint which would render any dispositive motions filed at this time moot.

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1 **PROPOSED EXTENDED DEADLINES**

2 The parties respectfully request this Court enter an order as follows:

3 **(A) Discovery Deadline.**

4 The parties are not seeking an extension of this deadline.

5 **(B) Experts and Rebuttal Experts.**

6 The parties are not seeking an extension of this deadline.

7 **(C) Dispositive Motions.**

8 All pretrial motions, including but not limited to, discovery motions, motions to dismiss,
9 motions for summary judgment, and all other dispositive motions shall be filed and served
10 **January 5, 2023.**

11 **(D) Motions in Limine/*Daubert* Motions.**

12 Under LR 16-3(b), any motions in limine, including *Daubert* motions, shall be filed and
13 served 30 days prior to the commencement of Trial. Oppositions shall be filed and served and the
14 motion submitted for decision 14 days thereafter. Reply briefs will be allowed only with leave of
15 the Court.

16 **(E) Pretrial Order.**

17 The parties are not currently seeking an extension of this deadline. Pursuant to LR
18 26(1)(e)(5), the Joint Pretrial Order shall be filed with this Court no later than thirty (30) days after
19 the date set for filing dispositive motions, or by **February 6, 2023**, unless dispositive motions are
20 filed, in which case the date for filing the Joint Pretrial Order shall be suspended until 30 days after
21 the decision on the dispositive motions or further order of this Court. The disclosures required by
22 Fed. R. Civ. P. 26(a)(3) and any objections shall be included in the final pretrial order.

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1 **(F) Extensions or Modification of the Discovery Plan and Scheduling Order.**

2 In accordance with LR 26-4, applications to extend any date set by the discovery plan,
3 scheduling order, or other order must, in addition to satisfying the requirements of LR 6-1, be
4 supported by a showing of good cause for the extension. All motions or stipulations to extend a
5 deadline set forth in a discovery plan shall be received by the Court not later than 21 days before
6 the expiration of the subject deadline. A request made after the expiration of the subject deadline
7 shall not be granted unless the movant demonstrates that the failure to set was the result of
8 excusable neglect. Any motion or stipulation to extend a deadline or to reopen discovery shall
9 include:

- 10 (a) A statement specifying the discovery completed;
- 11 (b) A specific description of the discovery that remains to be completed;
- 12 (c) The reasons why the deadline was not satisfied or the remaining discovery was not
13 completed within the time limits set by the discovery plan; and
- 14 (d) A proposed schedule for completing all discovery.

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1 This request for an extension is made in good faith and joined by all the parties in this case.
 2 The Request is timely. Trial is not yet set in this matter and dispositive motions have not yet been
 3 filed. Accordingly, this extension will not delay this case. Moreover, since this request is a joint
 4 request, neither party will be prejudiced. The extension will allow time for the Court to rule on
 5 the pending Motion to Dismiss prior to the parties filing dispositive motions.

6 DATED this 23rd day of September, 2022.

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 16 **IT IS SO ORDERED.**

17 DATED this 23rd day of September, 2022.

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19 UNITED STATES DISTRICT COURT JUDGE